

Message Text

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ACTION L-02

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 7622

UNCLAS PARIS 06853

E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

REF: STATE 57783 AND PREVIOUS

1. CHAMBRE D'ACCUSATION MARCH 17 AFTER HEARING HOLDER/KERKOW EXTRADITION CASE ANNOUNCED THAT DECISION WILL BE RENDERED APRIL 7.

2. DEFENCE FOLLOWED LINE SUGGESTED IN MARCH 7 PRESS CONFERENCE: HOLDER, A DISILLUSIONED VIETNAM HERO, TRAUMATIZED AND POLITICIZED BY ATROCITIES OF THAT WAR, DESERTED AND JOINED BLACK LIBERATION MOVEMENT. HE AND KERKOW HIJACKED PLANE TO DRAMATIZE OPPOSITION TO VIETNAM WAR, BUT WENT TO ALGIERS WHEN THEY REALIZED THAT THE AIRCRAFT PROVIDED COULD NOT FLY TO HANOI WITHOUT REFUELING STOPS AT "U.S. MILITARY BASES".

3. AVOCAT GENERAL AND PRESIDENT OF COURT POINTED OUT THAT DOSSIER PRESENTED BY U.S. IS APPARENTLY "INCOMPLETE" IN THAT IT CONTAINS NO EVIDENCE ON WHAT TOOK PLACE ABOARD THE FIRST AIRCRAFT, WHEN HOLDER/KERKOW ALLEGEDLY MADE POLITICAL DEMANDS. NEVERTHELESS, AVOCAT GENERAL CONSIDERED THAT THERE IS NO FORMAL EVIDENCE TO DISPROVE POLITICAL NATURE OF ACT, AND THEREFORE RECOMMENDED EXTRADITION REQUEST BE REFUSED (AVIS DEFAVORABLE).

4. THERE REMAIN POSSIBILITY THAT COURT WILL REQUEST
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ADDITIONAL INFORMATION OR EVIDENCE COVERING POINTS

RAISED BY DEFENCE. MOST CRUCIAL POINTS WOULD BE
EVIDENCE COVERING INITIAL PHASE OF HIJACKING, I.E.
WHAT DEMANDS WERE MADE BY HIJACKERS BEFORE BOARDING
SECOND AIRCRAFT AND INFORMATION REGARDING HOLDER'S
MILITARY SERVICE (SUPPLIED REFTEL). HOWEVER, WE
HAVE CHECKED WITH MIN JUSTICE AND RECONFIRMED THAT
THERE IS NO APPROPRIATE WAY IN WHICH WE CAN SUPPLY
ADDITIONAL EVIDENCE OR INFORMATION TO THE COURT UNLESS
REQUESTED BY COURT.
RUSH

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